

EPA APPROVED

**Withdrawal of the  
Total Maximum Daily Load for  
Chronic Dissolved Aluminum on  
Rio Puerco**



**NEW MEXICO ENVIRONMENT DEPARTMENT  
SURFACE WATER QUALITY BUREAU**

**APRIL 27, 2018**

***Prepared by***

New Mexico Environment Department; NMED; Surface Water Quality Bureau; SWQB;  
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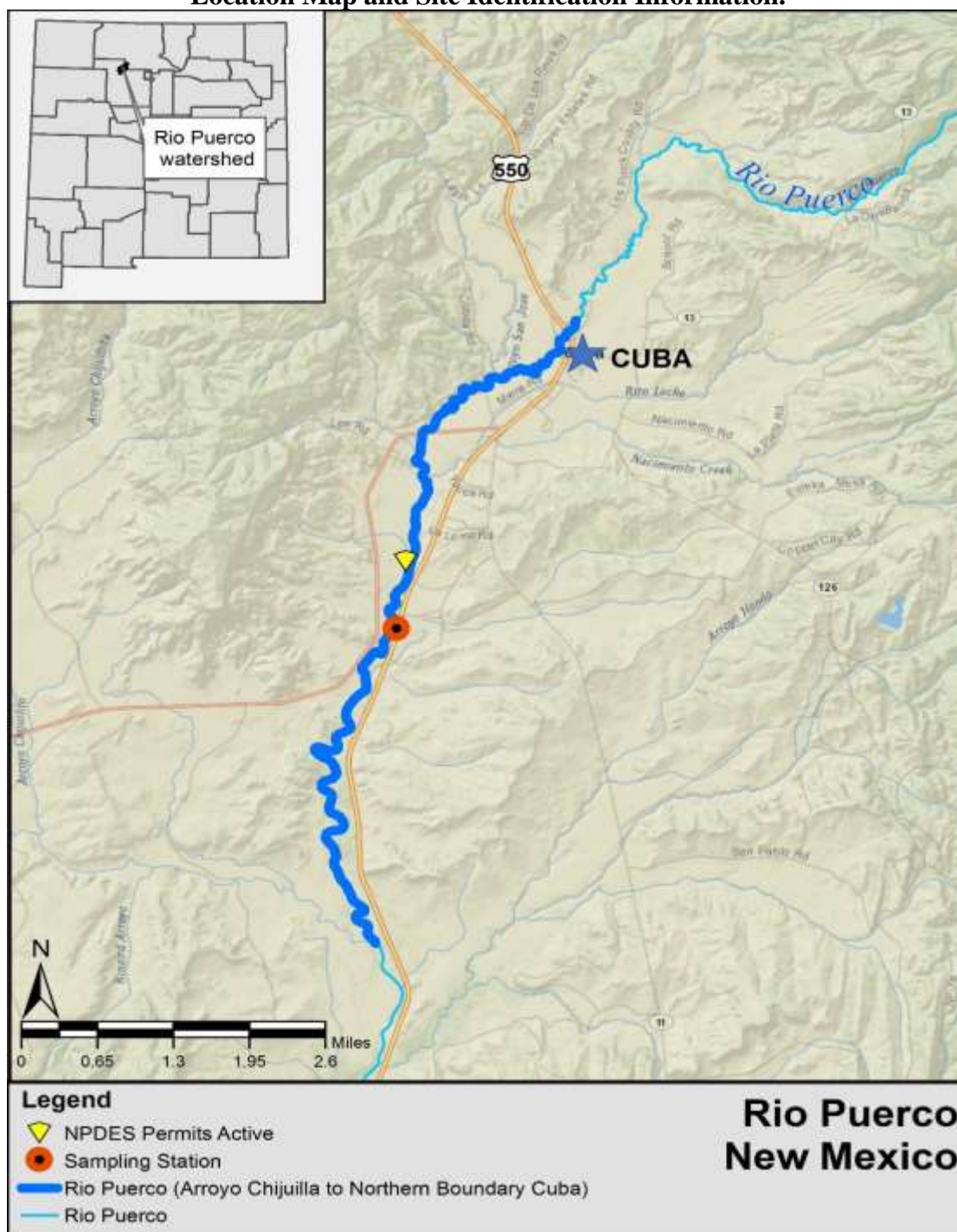
**EPA Approval: April 27, 2018**

***For additional information please visit:***

**<https://www.env.nm.gov/surface-water-quality/>**

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## Location Map and Site Identification Information.



Assessment Unit and ID	Rio Puerco (Arroyo Chijuilla to northern boundary Cuba) NM-2107.A_40
Sampling Station and ID	Rio Puerco below WWTP at Sanchez Property 33RPuerc241.8
Assessment Unit Length	8.46 Miles
NPDES Permit and ID	Village of Cuba Waste Water Treatment Plant pipe outlet NM0024848

## Summary

The New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) requests the withdrawal of the 2007 Río Puerco (Arroyo Chijuilla to Northern Boundary Cuba) Dissolved Aluminum Total Maximum Daily Load (TMDL), from the New Mexico Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/CPP).

The request for the withdrawal is due to two factors:

1. The adoption by the New Mexico Water Quality Control Commission (WQCC), and subsequent approval by the United States Environmental Protection Agency (USEPA) of a hardness-dependent standard for total recoverable aluminum in place of the former standard for dissolved aluminum into New Mexico's *Standards for Interstate and Intrastate Surface Waters* (20.6.4 NMAC).
2. The availability of recent survey data which allowed for an assessment under the new hardness-dependent total recoverable aluminum standard.

## Background

Río Puerco (Arroyo Chijuilla to Northern Boundary Cuba), Assessment Unit (AU) NM-2107.A\_40, has historically been impaired for chronic dissolved aluminum (chronic Al). Samples taken within this AU initially identified exceedences for chronic Al in 2004. The AU was then listed as impaired in the 2006-2008 Clean Water Act (CWA) §303(d)/§305(b) Integrated List & Report.

In 2007, the TMDL for Chronic Dissolved Aluminum for Río Puerco (Arroyo Chijuilla to Northern Boundary Cuba) was created. The TMDL determined a waste load allocation (WLA) of zero to the Village of Cuba Waste Water Treatment Plant pipe outlet, National Pollutant Discharge Elimination System (NPDES) permit NM0024848. This TMDL was approved by WQCC and USEPA in 2007.

During the 2009-2010 triennial review of standards for interstate and intrastate surface waters, SWQB proposed to replace the dissolved aluminum Water Quality Criteria for aquatic life with hardness-dependent total recoverable aluminum criteria for surface waters with pH > 6.5. The WQCC approved the hardness-dependent total recoverable aluminum criteria on October 14, 2010, and USEPA approved it on June 18, 2012.

Total recoverable aluminum samples collected during the 2011 Puerco/Zuni water quality survey did not exceed the new hardness-dependent total recoverable aluminum criteria in the Río Puerco (Arroyo Chijuilla to Northern Boundary Cuba) AU. Subsequently, this AU was de-listed in the 2016-2018 CWA §303(d)/§305(b) Integrated List and considered to be fully supporting its aquatic life use.

## Requirements and Guidance for TMDL Withdrawal

Both USEPA guidance and the New Mexico WQMP/CPP provide for the withdrawal of TMDLs. The March 22, 2012 USEPA guidance titled “Consideration for Revising and Withdrawing TMDLs” states the following:

*In some circumstances, however, a State may want to withdraw a TMDL to reduce any confusion for permit writers or stakeholders, but it is at the State’s discretion. At least three scenarios could prompt a desire for TMDL withdrawal:*

...

*3. EPA approves a State’s revised water quality criteria or water quality standard leading to a determination that the water body is no longer impaired. Under the circumstances implementation of the WLA in the TMDL based on the old criteria may lead to permit effluent limits more stringent than necessary under the new criteria. When withdrawing such TMDLs, States should notify EPA and provide public notice of the withdrawal. One option would be for the withdrawal to occur at the same time the State establishes its next 303(d) list. However, if the water body remains impaired under the new water quality standard, the TMDL should remain in place. The State may withdraw the TMDL if it chooses to develop a TMDL revision and EPA approves the revised TMDL; however, it is not necessary to withdraw the TMDL.*

Section IV-C of the 2011 New Mexico WQMP/CPP states the following:

*“TMDLs may be revised as necessary...based on changes to water quality standards or other factors influencing the TMDL calculation or distribution between the WLA and LA in the TMDL. TMDLs may be removed from the WQMP with WQCC approval if the waterbody is no longer impaired.”*

The situation for the Río Puerco (Arroyo Chijuilla to Northern Boundary Cuba) dissolved aluminum TMDL is consistent with the scenario for withdrawal outlined in the USEPA guidance described above as well as the provision for withdrawal provided in the New Mexico WQMP/CPP.

## Public Participation

Table XIV-1 in the New Mexico WQMP requires a 30-day public comment period and a public meeting in the affected watershed for all TMDL processes (NMED 2011). The 30-day public comment period is open from November 20, 2017 and closed December 22, 2017 at 4:00 p.m. MST. A public meeting was held on December 4, 2017 from 3:00-5:00 p.m. at the Cuba Senior Center, 16-A Cordova St., Cuba New Mexico, 87013. No public comments were received. SWQB received WQCC approval of the Río Puerco (Arroyo Chijuilla to Northern Boundary Cuba) TMDL withdrawal proposal at its regular meeting on March 13, 2018. Upon approval by the WQCC, the proposal will be forwarded to USEPA Region 6 Offices in Dallas, Texas for final review and approval.

## Conclusions

The new hardness-dependent standard for total recoverable aluminum replaced the previous standard for dissolved aluminum. In the case of the Rio Puerco, the 2011 aluminum data were assessed and did not exceed the new hardness-dependent total recoverable aluminum standard. Based on the new standard and survey data indicating full support for total recoverable aluminum, the 2007 Río Puerco (Arroyo Chijuilla to Northern Boundary Cuba) dissolved aluminum TMDL should be withdrawn.

## References

New Mexico Administrative Code (NMAC), 2013. State of New Mexico Standards for Interstate and Intrastate Surface Waters. New Mexico Water Quality Control Commission. As amended through June 5, 2013. (20.6.4 NMAC)

Available at: <https://www.env.nm.gov/surface-water-quality/wqs/>

New Mexico Environment Department/Surface Water Quality Bureau (NMED/SWQB). 2007. Total Maximum Daily Load for Rio Puerco Watershed-Part 2.

Available at: <https://www.env.nm.gov/swqb/RioPuerco2/RioPuercoTMDL-Part2.pdf>

———. 2008. 2006-2008 Integrated CWA §303(d)/§305(b) Integrated List & Report. Integrated List. May. Available at: <https://www.env.nm.gov/swqb/303d-305b/>

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United States Environmental Protection Agency (USEPA), 2012. Consideration for Revising and Withdrawing TMDLs. Available at: <https://www.epa.gov/tmdl/draft-considerations-revising-and-withdrawing-tmdls>

**APPENDIX A**  
**PUBLIC COMMENTS**

There were no public comments submitted for the “Withdrawal of the Total Maximum Daily Load for Chronic Dissolved Aluminum on Rio Puerco.”

SWQB staff revisions for the final document included only minor edits.